

Message Text

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PAGE 01 PARIS 14369 040040Z
ACTION L-03

INFO OCT-01 EUR-12 EA-10 ISO-00 CIAE-00 DODE-00
NSAE-00 NSCE-00 SSO-00 ICAE-00 INRE-00 AID-05
CEA-01 COME-00 EB-08 FRB-03 INR-10 IO-13 NEA-11
OPIC-03 SP-02 TRSE-00 LAB-04 SIL-01 AGRE-00
OMB-01 SS-15 PM-05 H-01 PA-01 SEC-01 FTC-01
JUSE-00 AF-10 ARA-10 /132 W
-----012867 040050Z/13

O R 032354Z MAY 78
FM AMEMBASSY PARIS
TO SECSTATE WASHDC IMMEDIATE 1026
INFO AMEMBASSY BRUSSELS
AMEMBASSY LONDON
AMEMBASSY BONN
AMEMBASSY THE HAGUE
AMEMBASSY ROME
AMEMBASSY STOCKHOLM
AMEMBASSY TOKYO
AMEMBASSY COPENHAGEN
AMEMBASSY OTTAWA
USMISSION USUN

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USEEC ALSO FOR EMBASSY

E.O. 11652: XGDS-3
TAGS: EGEN, EINV, OECD, ECOSOC, UN, FR
SUBJ: ECOSOC AND OECD CONSULTATIONS ON BRIBERY TREATY
INITIATIVE

REFS: A. STATE 105614. B. STATE 103334.
C. PARIS 14036.

1. SUMMARY: WE HAVE TOUCHED BASE WITH SEVERAL GOF
OFFICES CONCERNED WITH THE BRIBERY TREATY. OUR
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IMPRESSION IS THAT WHILE FRENCH DO NOT EXCLUDE CHANGES
IN THEIR DRAFT, ANY CONCESSIONS THEY MAKE TO US WILL
BE AT A PRICE. THEY ARE TENTATIVELY SEARCHING FOR
LIKAGES, BUT HAVE MADE ABSOLUTELY NO COMMITMENTS.
IT IS CLEAR THEY DO NOT LIKE PROVISIONS ON AGENTS'
FEES RECORD-KEEPING. HOWEVER, IT IS NOT CLEAR HOW
MUCH THEY WOULD BE WILLING TO GIVE ON CRIMINALITY AND

PREVENTIVE MEASURES IN ORDER TO GET AGENTS' FEES REPORTING REQUIREMENTS SCRUBBED. AS FOR OECD CONSULTATIONS ON THIS SUBJECT EARLY NEXT MONTH, GOF PLEADS IGNORANCE OF ANY EC OR EC MEMBERS PROPOSAL TO HOLD SUCH TALKS. QUAI LEGAL AFFAIRS OFFICE SUGGESTS THAT NEXT BRIBERY TREATY DISCUSSIONS MIGHT BEST BE HELD IN THE MARGIN OF JUNE 26-30 ECOSOC MEETINGS.

END SUMMARY.

2. SINCE RECEIPT OF REF A, WE HAVE HAD INFORMAL TALKS ON THE BRIBERY TREATY INVOLVING THREE GOF OFFICES, VIZ: BOTH LEGAL AND ECONOMIC AND FINANCIAL AFFAIRS AT THE QUAI, AS WELL AS THE MINISTRY OF FINANCE. THESE WERE INFORMAL WORKING LEVEL DISCISSIONS (N.B. AMBASSADOR DELACHARRIERE IS IN GENEVA FOR THE LOS CONFERENCE). WE IMAGINE THAT THE FRENCH "FLEXIBILITY" IN PRIVATE DISCUSSIONS WHICH WAS NOTED IN REF A WAS EQUALLY IN OPERATION DURING OUR TALKS HERE IN PARIS.

3. THE OBJECT OF OUR PRESENTATION WAS TO ASCERTAIN THE DEGREE OF FRENCH RESISTANCE TO CHANGES IN THEIR MARCH 7 DRAFT TREATY. OUR SOURCES ALL HASTENED TO ASSURE US THAT GOF DID NOT HAVE A CLOSED MIND ON THE SUBJECT, BUT THAT IT WOULD BE NECESSARY TO LOOK CLOSELY AT ANY PROPOSED CHANGES IN THEIR DRAFT PRIOR

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TO MAKING ANY COMMITMENTS REGARDING WHAT MIGHT BE DONE DIFFERENTLY. OUR EXPRESSED VIEW THAT THE MIX OF ELEMENTS (CRIMINALITY, PREVENTIVE MEASURES, AGENTS' FEES) IN THE DRAFT SHOULD ANC PROBABLY COULD ALLOW FOR COMPROMISE AND ADJUSTMENT TO MEET THE NEEDS OF THE VARIOUS PARTIES CONCERNED WAS WELL RECEIVED. THE QUESTION OF REPORTING REQUIREMENTS FOR AGENTS' FEES OBVIOUSLY PRESENTS A MAJOR PROBLEM TO THE GOF. IN STRESSING THIS POINT, JEAN CADET OF THE QUAI LEGAL STAFF -- WHILE ASSURING US IT WAS NOT HIS PREROGATIVE TO ESTABLISH ANY LINKAGES--SAID IT WOULD BE INTERESTING TO KNOW IN ADVANCE OF THE NEXT FORMAL BRIBERY MEETINGS IF THE US MIGHT HAVE ANY IDEAS ON HOW ONE COULD TREAT THE ADJUSTMENT OF THE DRAFT SO AS TO HAVE IT ACCEPTABLE TO ALL CONCERNED. CADET IS NOT RPT NOT IN A POSITION TO MAKE ANY DECISIONS, BUT IN DELACHARRIERE'S ABSENCE HE WAS FISHING FOR LINKAGES. IT IS, OF COURSE, STILL UNCLEAR HOW FAR, IF AT ALL, THE GOF WOULD BE WILLING TO GIVE IN TO OUR NEEDS ON CRIMINALITY AND PREVENTATIVE MEASURES IN ORDER TO ELIMINATE PART OR ALL OF THEIR AGENTS' FEES PROBLEM. HOWEVER, THEY WILL SURELY PUT A PRICE ON THEIR WILLING-

NESS TO CHANGE THEIR DRAFT TREATY IN THE DIRECTION WE WANT REGARDING CRIMINALITY. WE ALSO IMAGINE THAT, IN THE ABSENCE OF WHAT THEY CONSIDER WORTHWHILE CONCESSIONS FROM US, THE FRENCH WILL SIMPLY FOOT-DRAG ON THE WHOLE ISSUE--AND HERE THEY WILL PROBABLY HAVE LOTS OF COMPANY AMONG OECD MEMBERS.

4. ON THE TIMING OF THE NEXT FORMAL BRIBERY TREATY DISCUSSIONS, ALL OUR SOURCES PLEADED IGNORANCE OF ANY EC OR EC MEMBERS PROPOSAL TO HOLD SUCH TALKS AT OECD EARLY NEXT MONTH. GOF HAS NO OBJECTION TO ARRANGING FURTHER TALKS, BUT QUAIS SUGGESTS THEY MIGHT BEST BE UNDERTAKEN "IN THE MARGIN" OF THE JUNE 26-30 ECOSOC MEETINGS.HARTMAN

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